[Sri V. V. Ramaswami] [9th September 1958

கிறேன். அதற்கிடையே, விற்பனை வரி மசோதா இப்போது பொறுக்குக் குழுவின் பரிசீலனையில் இருப்பதால், அது எப்போது எடுத்துக்கொள்ளப் படும் என்பதையும் அறிய விரும்புகிறேன்.

THE HON. SRI R. VENKATARAMAN : Mr. Deputy Chairman, certainly the Chief Minister will make the necessary arrangements, for the interim period.

(2) WATCH AND WARD STAFF OF THE COUNCIL.

SRI V. V. RAMASWAMI : இப்பொழுது இந்த சபைக்குக் காவலாக
3–20 p.m. ஏதோ ஒரு படை போடப்பட்டிருப்பதாகத் தெரிகிறது. நேற்று சபைக்கு வரும் பொழுது, அநேகம் பேர் குல்லா வைத்திருப்பதைப் பார்த்தேன். மைசூர் சபையில் இருப்பவர்களைப் போல இருந்தது. (சிரிப்பு.) குல்லாப் போடுகிறவர்களை நல்ல குல்லாவாகப் போடச் செய்து, பார்வையாக இருக்கும்படி செய்யக்கூடாதா ? (நீடித்த சிரிப்பு.)

III.—ADJOURNMENT MOTIONS.

(1) STRIKE BY THE WORKERS OF 'THE HINDU'.

DEPUTY CHAIRMAN : I have received notice of a motion under rule 42 of the Council Rules from Dr. V. K. John for the adjournment of the business of the Council to discuss a definite matter of urgent public importance, namely, the failure of the State Government to preserve law and order and to give sufficient protection not only to the management of 'The Hindu' but also to workers who wanted to work in the office of 'The Hindu' during the strike by a minor section of workers from 31st July to 5th August 1958.

I am satisfied that the motion referred to is a definite matter of public importance. Before I rule the motion either in order or not in order, I request Dr. V. K. John to state how the matter involves more than the ordinary administration of law and order and how it is urgent.

SRI S. T. ADITYAN : Sir, I have also sent in notice of a similar motion. Has it reached you or not, Sir?

DEPUTY CHAIRMAN : I have not received it.

* DR. V. K. JOHN : Sir, I am very much obliged to you for giving me your consent to make this motion.

THE HON. SRI C. SUBRAMANIAM : No, no. He wants to know how it is urgent.

THE HON. SRI M. BHAKTAVATSALAM : He admits that it is of public importance.

* DR. V. K. JOHN : Under the rules, I must obtain your consent to ask the leave of the House to make the motion, and I take it you have acted under the rules and you have given me consent to ask the leave of the House to make the motion.

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THE HON. SRI C. SUBRAMANIAM : No, no. He wants you to make out a case how it is urgent.

* DR. V. K. JOHN : Sir, you have given me consent to ask the leave of the House to make the motion, and I make the motion under rule 44. If you hold that the motion is not in order, you may state the reason. The normal procedure contemplated by the rules is for the Chairman to give his permission to make the motion. Then there is the next stage of making the motion. Then there is the third stage of your ruling whether the motion is in order or not. I take it that under the rules, when you have called me to make the motion, you have given me your consent to make the motion, and for this, Sir, I thank you.

THE HON. SRI R. VENKATARAMAN : No, no, Mr. Deputy Chairman. Before a motion of this kind is admitted for the purpose of discussion, the Chair is to be satisfied (1) that it is urgent, (2) that it is a matter of public importance, and (3) that it involves the exercise of any powers outside the normal administrative routine. The hon. the Deputy Leader of the Opposition has to make out a case that it is anything like the exercise of powers outside the normal routine administration.

DEPUTY CHAIRMAN : That is correct.

* DR. V. K. JOHN : Let us clarify the position. What does the rule say? The Hon. the Leader of the House must be requested to read the rules once again.

THE HON. SRI C. SUBRAMANIAM : That is what I would like Dr. John to do.

* DR. V. K. JOHN : I will read out the rule for the benefit of the House. (The Hon. Sri C. Subramaniam : For your own benefit.) I am much obliged to you. Sir, rule 42 says—

'A motion for an adjournment of the business of the Council for the purpose of discussing a definite matter of urgent public importance may be made in accordance with the rules in this Chapter.'

Rule 43 says—

'A member desirous of moving a motion for an adjournment of the business of the House for the purpose of discussing a definite matter of urgent public importance shall, before the commencement of the sitting of the Council at which he proposes to ask for leave of the House to make his motion, hand to the Chairman a statement in writing of the matter proposed to be discussed, and obtain his consent to his asking for leave to make the motion.'

Rule 43 says that I must hand over a statement to the Chairman (which I have done), and obtain his consent. For what purpose? I must obtain his consent for asking leave to make the motion. Now, if he gave me consent, . . .

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THE HON. SRI C. SUBRAMANIAM : No, no.

* DR. V. K. JOHN : There is no intermediary stage. If he gives his consent, I ask the leave of the House to make the motion. Then, what happens? Rule 44 says, 'If the Chairman gives consent under rule 43, the member may, after questions and before the further business set down in the list of business for the day is entered upon, ask the leave of the House to make the motion.' There is no provision for the Chairman to ask me to explain before he gives his consent. Then rule 45 says, 'The Chairman will then read the statement referred to in rule 43 to the House and decide whether the matter proposed to be discussed is or is not in order.' After I make the motion, if the Chairman holds that the motion is not in order, he may state the reasons for his opinion. Rule 50 mentions various grounds on which the Chairman can disallow a motion.

DEPUTY CHAIRMAN : Please read rule 47 also.

* DR. V. K. JOHN : Rule 47 says—

'If the Chairman is of opinion that the matter proposed to be discussed is in order, he shall ask whether the member has the leave of the House. If objection is taken by any member, the Chairman shall request those members who support the motion to rise in their places. If ten or more members rise accordingly, the Chairman shall intimate that the member has the leave of the House. If less than ten members rise, the Chairman shall inform the member that he has not the leave of the House.'

Rule 48 says—

'If leave of the House has been given for making the motion, the Chairman shall intimate to the House that the motion will be taken up at such hour on the same day or at such hour on any other day as may be fixed by him in consultation with the Leader of the House'.

Then, rule 50 mentions the grounds on which the Chairman may reject a motion. One reason is that it is a matter of day-to-day administration. Another is that the matter is not urgent. Various stages for the adjournment motion must be studied. The Hon. Sri C. Subramaniam is now satisfied with the present stage, unless it is too difficult for him to understand. The present stage is that you give me consent to make the motion. In the consent stage you ask me to make the motion. Then I explain. There is no other stage. I make the motion with a short speech. You decide whether the motion is in order. After hearing me, you say 'I rule out the motion' under one or the other of the many grounds mentioned in rule 50.

DEPUTY CHAIRMAN : After hearing the hon. Member and the Leader of the House, I shall decide whether the motion is in order or not.

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* DR. V. K. JOHN : In the present stage you have kindly given me your consent to make the motion in the House. (Interruptions.) I ask for leave of the House to make the motion, and that is the present stage. You may or may not view that it is in order. You will ask Members who support this motion to stand up. The present stage at which I am on my legs is that I have your consent to ask the leave of the House to make the motion. After my explaining the rules, I hope Hon. Members on the Treasury Bench will be kind enough to read and digest the rules and not take up the time of the House by obstructing the motion.

DEPUTY CHAIRMAN : The hon. Member has got consent to make out a case how the motion is in order.

* DR. V. K. JOHN : With great respect to you, Sir, I say that I need not make out a case. I ask for leave to make the motion, and in that process I must, of course, make out a case. Let us study the language of the rules. Where is the provision in the rules for making out a case? I ask the leave of the House to make the motion. It is for you to say whether it is in order or not in order. Leave cannot be had if ten Members do not stand in support of the motion. If ten Members stand in support of the motion, then you can fix the time for discussion.

DR. A. SREENIVASAN : ஏன், 'other side'-ல் இருக்கிறவர்கள் எழுந்திருக்கக்கூடாதோ ?

* DR. V. K. JOHN : It is not expected, Sir.

DR. A. SREENIVASAN : Occasionally you can expect it.

* DR. V. K. JOHN : You are more optimistic than I.

Sir, I now thank you for giving me your consent to ask the leave of the House for making this motion. The matter referred to is very well-known. I do not think in recent years there is any occurrence which has discredited the Government of Madras to the extent it has done in the case of 'The Hindu'. What are the facts? The facts are very simple. 'The Hindu' employees a few thousands of workers, the majority of whom are skilled and the minority unskilled. A few of the unskilled workers forced a strike in 'The Hindu'. The majority of the workers wanted to carry on the work and particularly if the skilled workers and the field workers had been allowed to carry on the work, 'The Hindu' would have been able to publish its paper without break. It is a paper, which I am sure every Member of this House must have been reading for years. I myself have been reading it for over forty years. We are proud of that paper, its status, its quality and everyone of us . . .

THE HON. SRI C. SUBRAMANIAM : With great respect to the hon. the Deputy Leader of the Opposition, I may state that at this stage, we need not go into the merits of the case at all. Sir, as you have rightly wanted to satisfy yourself, what we have to consider now is this. According to item (viii) of rule 50, we must 3-30 p.m.

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know how the matter to be discussed involves more than the ordinary administration of the law. It was in this connection that the Chair put a specific question to satisfy itself how this involved more than the ordinary administration of the law. So, the hon. the Deputy Leader of the Opposition may explain this point instead of expressing his gratitude to the paper, which does not arise at all.

* Dr. V. K. JOHN : I am only stating the facts about such an important paper, which have brought public discredit to the Government . . .

The Hon. Sri C. SUBRAMANIAM : The hon. Member may leave that aspect alone.

* Dr. V. K. JOHN : I am interested in the credit of the Government. The Opposition is interested in good Government. I am stating the facts. The facts are that a minority of workers wanted to force a strike in 'The Hindu'. In spite of this strike, 'The Hindu' continued its publication. Then, the strikers used violence and intimidation and also injured the people inside the premises. But, the Police did not give protection which was required and people were injured. Their names were even published in the papers. In fact, 'The Hindu' published a pamphlet entitled 'Why the Hindu suspended publication?'. I do not think that any of the statements contained therein can be contradicted or will be contradicted by the Government. It shows violence was used, intimidation was used, people were imprisoned, so to say, and 'The Hindu' building became a fort which was beseiged. It was a very unsatisfactory state of affairs indeed. What was the result? On account of the violence and intimidation of a section of the workers, 'The Hindu' ceased publication. What did this Government do? I am not finding fault with the Police. The Police, after all, carry out the behests, orders and directions of the Government. We have certainly a Police Commissioner and an Inspector-General of Police who are very popular gentlemen. But, the Government did not give them the necessary directions. I can understand the Government saying that they will not break peaceful picketing. But, when the picketing was not peaceful, the Government did not afford any protection at all. This can be repeated in any other concern. That will happen. Everyday, we are witnessing strikes. There may be 10,000 people in a concern.

DEPUTY CHAIRMAN : I would like the hon. the Deputy Leader of the Opposition to come to the point and explain how the matter is urgent.

* Dr. V. K. JOHN : Yes, Sir, if you will kindly give me one minute. I shall presently explain how the matter is urgent. It is urgent because this is a matter relating to the policy of the Government which the public do not approve, I do not approve and the Opposition here does not approve. I think the general public do not approve of this policy.

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THE HON. SRI R. VENKATARAMAN : Then the hon. Member can move a motion of censure.

* DR. V. K. JOHN : Sir, this happened in August and we are now meeting in the month of September for the first time after the incidents. There is another reason also why this is urgent. On the 6th of this month the Government have made a statement, a statement which no other civilised Government which has any respect for truth would make.

THE HON. SRI C. SUBRAMANIAM : I strongly protest against this statement, Sir. Even if he is the Deputy Leader of the Opposition, he has no business to cast aspersions on the statements made by the Government. We are prepared to stand by our statement. If the hon. the Deputy Leader of the Opposition can prove that it is untrue, then we are prepared to withdraw that statement. If he is not able to prove that it is not true, then what will he say?

* DR. V. K. JOHN : I would refer the Hon. the Minister for Finance to the Leader of 'The Hindu' of that date.

THE HON. SRI C. SUBRAMANIAM : That is not the last word on the subject. The hon. the Deputy Leader of the Opposition may have all respect for 'The Hindu'. Still, he should consider the fact that it is the statement made by a responsible Government, and to say that it is far from the truth is not becoming of the Deputy Leader of the Opposition. That is what I wish to say.

DR. A. SREENIVASAN : Then, why not take action against the Leader of 'The Hindu'?

* DR. V. K. JOHN. Let us not get excited over this. I find the Government are excited over this matter? I want to clear off their excitement. We had a Chief Minister here . . .

DEPUTY CHAIRMAN : Is it fair and parliamentary on the part of the hon. the Deputy Leader of the Opposition to charge the Government with uttering falsehood?

* DR. V. K. JOHN : I think I only said that they had made an incorrect statement. I don't think I have used the expression 'falsehood'. If I have used that expression, I withdraw it. I say that they have made an incorrect statement. Sir, a gentleman, whom we all respect, who was the Governor-General and who was also the Chief Minister of this State has stated . . .

THE HON. SRI C. SUBRAMANIAM : He was not an eye-witness. He has stated that from the information he got.

THE HON. SRI R. VENKATARAMAN : It was based on hear-say evidence.

DR. A. SREENIVASAN : I was myself an eye-witness to certain things.

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DEPUTY CHAIRMAN: This is not proper. The hon. Member is making a statement. He should not be interrupted like this.

* THE HON. SRI M. BHAKTAVATSALAM: I would like to know what exactly the hon. the Deputy Leader of the Opposition is quoting. A little while ago, he was referring to some statement issued by the Government. Is it before this House? He is now referring to some statement said to have been made by the ex-Governor-General. Is it right to quote such things on the floor of the House, Mr. Deputy Chairman?

* DR. V. K. JOHN: I find that the Members of the Treasury Benches are very excited over this matter. One after the other gets up and makes statements and thus does not give me the chance and opportunity to explain my point.

THE HON. SRI M. BHAKTAVATSALAM: The hon. the Deputy Leader of the Opposition cannot excite us.

* DR. V. K. JOHN: The Hon. the Leader of the House usually never gets excited. But, the other two friends sitting on his either side get excited and I am unable to explain my point. So, will you kindly allow me to explain my case, Sir? Well, that great man, whom all of us in India consider great and who is considered great all the world over, in referring to this strike, has used this language. 'In this case, it was going on without disapproval, if not with actual approval.' This is what he has stated. He has referred to the violence and intimidation of a section of the workers. I am not concerned so much with the management. If there are about 10,000 workers in a concern and if a hundred of them take it into their heads to strike work, resort to picketing, commit certain acts of violence and intimidation and interfere with the work of others, is it proper and can it be allowed by a Government? The duty of the Government is to preserve law and order and not merely to collect taxes. The Government have failed in their duty to preserve law and order so far as the incidents connected with the strike in 'The Hindu' are concerned. Will it be repeated elsewhere? This is not a matter of administration. It is a matter of policy. Are we to understand that the Government will support people who picket like this although they are in a minority and although they prohibit other people and prevent other people, who want to go and work, in this fashion? Is it proper? We must lay down a policy. I say that the policy adopted by the Government in this matter has brought it contempt and it is for the Government to ascertain what public opinion in regard to this matter is. I say public opinion is unanimously against the Government in regard to the attitude they adopted in the case of 'The Hindu' which was the direct cause for their suspending their publication. I, therefore, think that this policy of the Government should be discussed.

Sir, you were pleased to ask me how this was a matter of urgent public importance. We must be able to discuss this important subject when the Council is sitting. Yesterday, the Council began

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its sittings and I gave notice of this motion yesterday itself. Therefore, I say that it is a matter of urgent public importance. You may ask whether it is not a matter of day-to-day administration. Certainly not, Sir. This certainly involves more than the day-today administration as it involves the policy of the Government. In my opinion, the Government themselves should welcome a discussion on this subject. In fact, they must themselves come forward to see that leave for the motion is granted so that the Members of this House may have an opportunity to discuss this subject and the Government also may be in a position to reply to the several points that may be made by the Members. An opportunity for both sides may be provided to discuss the subject. 3-40 p.m. Therefore, I submit that it does not come under any of the objections mentioned in the rules. So, Sir, you will be pleased to keep up the importance of this House and allow this adjournment motion to be discussed. That will also enable the Government to explain to the public their position. I am sure, if the Government object to this, they have no explanation to give. If the Government do not want a discussion, it means that they have no case. That ought not to be the position. If they have a clear and good case to present to the public, I do not see why they should object to a discussion. The people are agitated and the Government must have an opportunity to explain their position in this House so that the public may know the case of the Government. If they have no case, they will at least correct themselves. But I am afraid they do not want to explain their position and correct the impression in the minds of the public. Is it creditable to the Government to take up that position?

THE HON. SRI C. SUBRAMANIAM: That arises only when the Deputy Chairman gives his consent to the motion.

* DR. V. K. JOHN: He has given permission to the motion for leave.

THE HON. SRI C. SUBRAMANIAM: With great respect to the hon. the Deputy Leader of the Opposition, I submit that the Government do not come into the picture at all. It is for the Deputy Chairman to rule if the motion is in order or not. So, whether we are willing to have a discussion or not is quite irrelevant now. It is for the Presiding Officer to decide whether the motion is in order or not. What is the use of charging the Government that they are not prepared to face discussion? Or, is it the charge that the Deputy Chairman is siding with the Government and is taking a particular position? I hope that the hon. the Deputy Leader of the Opposition did not certainly mean that insinuation. In any case, as far as the Government are concerned, the reference is irrelevant at this stage.

* DR. V. K. JOHN: I am obliged to the Hon. Mr. Subramaniam for having explained the legal position. I quite see that it is for the Deputy Chairman to decide the issue.

THE HON. SRI C. SUBRAMANIAM: Then, why refer to irrelevant things?

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* DR. V. K. JOHN. Whether it is relevant or irrelevant is a matter of opinion. I am asking for leave for discussion. When I do so, I am suggesting to the Treasury Bench : 'Please support this motion . . .'

DR. A. SREENIVASAN : In your own interests.

* DR. V. K. JOHN : Yes. That is why I say : 'Do not oppose it'. I have found from the beginning—from the moment I got on my legs—there has been opposition throughout, strong opposition.

SRI K. BALASUBRAMANYA AYYAR : They are not in the picture !

* DR. V. K. JOHN : I do not see why there should be opposition. You must make the Leader of the House speak on it. You have for decide whether my motion is in order and give reasons if the motion is decided to be not in order. Ordinarily speaking, it is in order unless you give reasons to the contrary. I submit no reasons can be given for a decision against the motion. The Hon. the Leader of the House is anxious to protect the prestige of the Government and he must have an opportunity to explain the position of the Government. I would request him and the House to support my motion seeking leave of the House.

THE HON. SRI R. VENKATARAMAN : The Hon. the Minister for Home will speak.

* THE HON. SRI M. BHAKTAVATSALAM : Sir, you rightly ruled that this was a matter of public importance. But I would respectfully submit that it is not a matter of urgent importance. Further, it relates to a matter of normal administration. So, even under that rule, this will not come. What we have done relates to normal administration. Therefore, I submit that this is not a matter of urgent public importance.

But, Sir, I would certainly like to make a statement explaining the attitude of the Government, the conduct of the Government, and vindicating their position. If a statement is permitted, I would certainly make it and welcome a discussion on that. In fact, I welcome any discussion on this question. Or, if a short-notice question is put, I would certainly answer it and you may set apart any time for answering supplementary questions. But this is not a matter for an adjournment motion.

* DR. V. K. JOHN : If the Hon. Minister promise to make a statement and if there will be discussion allowed on that statement, I will withdraw my motion. If that undertaking is given, I will not press this motion.

DEPUTY CHAIRMAN : I am satisfied that the subject-matter of the motion does not involve more than the ordinary administration of law and order. Further, it lacks urgency in that

the strike was called off, the workers were allowed to join work, the daily resumed publication and the matter has been happily closed long ago. I, therefore, rule the motion out of order.

* DR. V. K. JOHN : May I ask whether in view of this offer of the Hon. Minister to make a statement and allow discussion on it, a day may be fixed for the purpose?

THE HON. SRI R. VENKATARAMAN : Mr. Deputy Chairman, our House has a reputation for observing the rules fairly well. The hon. the Deputy Leader of the Opposition knows that he can call for a statement from the Government under the rules. If he gives notice calling for a statement, he can have it.

SRI MOHAMED RAZA KHAN : In the course of discussion now, the offer was made by the Hon. the Minister for Home that he was prepared to make a statement.

THE HON. SRI R. VENKATARAMAN : That only means that if a statement is called for from the Government, the Government would make one.

SRI MOHAMED RAZA KHAN : There have been many occasions on which Government have themselves made such statements.

SRI S. T. ADITYAN : Is it difficult to make such a statement?

DEPUTY CHAIRMAN : I think we must observe rules.

SRI S. T. ADITYAN : Why not it be taken for granted that such a request has been made and why not the Minister proceed with the statement?

DR. V. K. JOHN : I think notice has already been given.

(2) BANNING OF PUBLIC MEETING ON 3RD JANUARY 1958 ON THE OCCASION OF THE VISIT OF THE PRIME MINISTER OF INDIA TO MADRAS.

DEPUTY CHAIRMAN : I have received notice of another motion under rule 42 of the Council Rules from Dr. V. K. John for the adjournment of the business of the Council to discuss a definite matter of urgent public importance, viz., the conduct of the State Government in banning a public meeting on 3rd January 1958 on the occasion of the visit of the Prime Minister of India to Madras, and in prosecuting Sri C. N. Annadurai and a few Members of the Legislative Assembly and Parliament and eventually remitting the sentences of imprisonment passed by the Second Presidency Magistrate on 3rd September 1958, thereby giving the impression to the public that the banning of the meeting, the prosecution and the conviction of the accused were wrong.

Before I proceed to rule the motion either in order or out of order, I wish to hear the Deputy Leader of the Opposition on the point as to how the matter involves more than the ordinary day-to day administration of law.